

**Filed**

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Bessie M. Decker, Clerk  
Court of Appeals  
of Maryland

**IN THE COURT OF APPEALS OF MARYLAND**

JARROD W. RAMOS

Petitioner,

v.

ERIC THOMAS HARTLEY, *et al.*

Respondents.

No. 0137

September Term, 2015

**ANSWER OF ERIC THOMAS HARTLEY, THOMAS L. MARQUARDT AND  
CAPITAL GAZETTE COMMUNICATIONS, LLC IN OPPOSITION TO  
PETITION FOR WRIT OF CERTIORARI BY JARROD W. RAMOS**

Eric Thomas Hartley, Thomas L. Marquardt and Capital Gazette Communications LLP, (collectively the “Respondents”), through their undersigned counsel, file this Answer in Opposition to the Petition for Writ of Certiorari filed by Jarrod W. Ramos (the “Petitioner” or “Mr. Ramos”).

**Introduction**

In his Petition for Writ of Certiorari (the “Petition”), Mr. Ramos claims to act in the public interest by presenting a case of first impression on two separate issues. In fact, his Petition attempts to short-circuit the appellate process in Maryland and is entirely contrary to the public interest. In reality, Mr. Ramos seeks this Court’s review of trial court decisions before those decisions have been properly heard by the Court of Special Appeals and seeks review of the Court of Special Appeals’ denial of a preliminary motion before there is a final judgment in the matter. As the Honorable Judge Chasanow writes in *Appellate Practice for the Maryland Lawyer: State and Federal*,

The Court of Appeals is not a court of error review. It is neither the court's mandate nor its function to correct all errors committed by lower courts. By the time a petition for writ of certiorari is filed, the petitioners have received all of the required appellate review they are entitled to by law.

Paul M. Sandler et al., Appellate Practice for the Maryland Lawyer: State and Federal 339 (2007).

### **Background**

The underlying case in this matter was initiated by Mr. Ramos in October 2012 in Prince George's County Circuit Court. In his complaint, Mr. Ramos attempted to present claims of defamation and related causes of action in response to a newspaper article that reported the details of his criminal proceedings and conviction. Respondents filed a motion to dismiss Mr. Ramos's complaint with prejudice and that motion was granted by the court following a hearing in March of 2013. In making its decision, the trial court specifically cited Mr. Ramos's failure to plead the required element of falsity as a part of his defamation claim. (*Exhibit A* at 14-15). Mr. Ramos timely filed a Motion to Amend Judgment which was summarily denied. (Docket Entry No. 039, Case No. CAL12-22839). In its order denying the post-trial motion, the court took the opportunity to clarify its position that not only was Mr. Ramos's defamation claim dismissed but so too the "Motion for Grievance, Contempt, Sanctions, and Default" filed by Mr. Ramos during the course of these proceedings. The court also clarified the grounds for its decision to include "failure to plead facts sufficient to satisfy any of the legal elements of defamation and false light under Md. Rule 2-303..." (*Exhibit B*). The Petitioner filed a Notice of Appeal. (Docket Entry No. 041, Case No. CAL12-22839)

In February 2014, Mr. Ramos filed with the trial court a Motion to Correct the Record with Request for Hearing to address what he claimed was an incomplete record. (Docket Entry No. 047, Case No. CAL12-22839). Mr. Ramos claimed that certain documents had been mailed to his home by the clerk of the court and that Mr. Ramos was certain these documents were (a) the original filed documents from the case file and (b) now missing from the record about to be transmitted to the Court of Special Appeals. What was conspicuously absent from the Motion to Correct the Record was a cogent description of what the materials at issue were or any proof, beyond Mr. Ramos's assertions, that the originals were missing or otherwise in the possession of Petitioner. Respondents did not oppose Petitioner's effort to correct the record but, unable to determine the precise nature of the problem and reluctant to allow Mr. Ramos to add unverified documents to the record at such a late date in the proceedings, Respondents filed a Motion for Clarification and Response to Plaintiff's Motion to Correct the Record. (Docket Entry No. 048B, Case No. CAL12-22839). That motion sought either clarification of Mr. Ramos's requested relief or alternatively, denial of the motion for its lack of any evidence to support the Petitioner's ambiguous claims. The Circuit Court denied Mr. Ramos's Motion to Correct the Record. (*Exhibit C*) (Docket Entry No. 048, Case No. CAL12-22839). Following this denial, Mr. Ramos filed a "Clarification" to the Clerk, instructing her to prepare the record for transmittal as it was and adding flippantly that "The defendants think you are stupid." The record was transmitted to the Court of Special Appeals on May 21, 2014. (Docket Entry No. 054, Case No. CAL12-22839).

In the Court of Special Appeals, Mr. Ramos again attempted to alter the record by filing both a Motion to Administratively Correct the Record, and a Motion to Substantively Correct the Record and to Stay Filing of Briefs Pending Correction. As stated in their response to these motions, Respondents supported the filing of a full and correct record, but they could not ascertain which documents Mr. Ramos claimed were missing. In that circumstance, Respondents suggested that the Court of Special Appeals decide what should be done and stated that Respondents trusted the discretion of the court. The Court of Special Appeals, finding nothing missing from the record, denied Petitioner's motions on April 16, 2015 and set dates for filing the appellate briefs. (*Exhibit D*). Petitioner now asks this Court to grant certiorari and seeks a delay of the deadline for filing briefs. Respondents are compelled to file this response to Petitioner's Request for Certiorari because they do not believe the issues presented by Petitioner merit certiorari for an interlocutory appeal or a direct review of the trial court decision.

### **Standard**

The certiorari procedure is designed to provide for discretionary appeals, rather than a right of appeal. *Walston v. Sun Cab Co.*, 267 Md. 559, 565 (1973). The system was designed to decrease the workload of the Court of Appeals and its then expanding case load. *Id.* at 569. As such, the Court of Appeals decides which cases merit review in the public interest. *Id.* at 565.

To obtain certiorari for an interlocutory decision, a petitioner must satisfy strict standards because Maryland law limits interlocutory appeals to the Court of

Appeals. “[G]enerally it is only those interlocutory orders specified in §12-303, Courts and Judicial Proceedings Article, which are immediately appealable.” *Cant v. Bartlett*, 292 Md. 611, 615 (1982). Notably, appeal of a decision on a motion to correct the record is not listed as an appealable interlocutory decision in the Annotated Code. This omission by the drafters reflects the long-standing legal principle that a court’s decision regarding the correctness of the record of its case is not appealable. *Greff v. Fickey*, 30 Md. 75, 78 (1869).

### **Argument**

Respondents have not, and do not, oppose creating an accurate record. Petitioner may present, for the first time, his evidence of missing documents in his appeal before the Court of Special Appeals and that court can act accordingly. At this time, however, there has been no evidence of missing documents in the record before either the trial court or the Court of Special Appeals. Furthermore, Petitioner’s request for this Court to hear his appeal is contrary to established Maryland law.

#### **I. Maryland Law Dictates that No Appeal Lies From a Lower Court’s Decision on the Content of the Record.**

The principle that no appeal lies from a decision of a lower court as to the correctness of its records was first stated by the Court of Appeals in 1869 and it has held since that time. *Greff v. Fickey*, 30 Md. 75, 78 (1869). “The Court of original jurisdiction, in which the proceedings were had, must of necessity decide as to the correctness of its own records; this Court has no power upon an appeal either to review its decision, or to undertake to determine in what respect a record transmitted to us is

erroneous, or to correct it; to do so would be to violate one of the plainest maxims of the law, which forbids the verity of a record to be impeached by extrinsic proof.” *Id.* at 78. Though the case is nearly 150 years old, its legal principles are still cited by Maryland courts. In fact, this Court recently cited the *Greff* decision in *In Re Timothy*, 376 Md. 414 (2003); *see also Hansel v. Collins*, 180 Md. 100, 103 (1941). In short, there are no grounds to support an interlocutory appeal of a lower court decision regarding a motion to correct the record. As such, the Court should deny certiorari on that ground.

## **II. The Petitioner’s Request for this Court’s Review of Trial Court Decisions is Improper and Premature.**

The second ground for certiorari presented by the Petitioner concerns decisions of the trial court which are the proper purview of the Court of Special Appeals. For litigants in a Maryland Circuit Court, there is an appeal as of right to the Court of Special Appeals. *Walston*, 267 Md. at 565. The automatic appeal provisions of the Court of Special Appeals are designed to enable a party to obtain review of the trial court’s decisions and provide a check-and-balance within the judiciary system. However, issues are generally not appealable unless there is a final judgment “to prohibit piecemeal disposition of litigation.” *Stewart v. State*, 282 Md. 557, 571 (1978). Appeal to the Court of Appeals is in the discretion of this Court when “review and determination by [this Court] appears to be desirable and in the public interest.” *Walston*, 267 Md. at 565. The appeal phase of this case has just begun; no brief has been filed. Nevertheless, Petitioner seeks certiorari before his case even has been heard. Even if there was a final judgment,

this case still does not present issues of first impression or an issue of significant public interest that would qualify for review by the state's highest court.

### **III. Petitioner's Questions Presented Dictate That the Petition Should be Denied.**

The Petitioner's Questions Presented and the Statement of Facts provided to support those inquiries primarily contain allegations regarding the trial court's actions that are within the purview of the Petitioner's as yet un-briefed appeal in the Court of Special Appeals, not this Court. The statement of facts also contains several assertions which are not factual and appear designed only to denigrate the lower courts, the respondents, and their attorneys.<sup>1</sup> For example, there is no evidence that counsel for the Respondents lied or that the lower court judges acted to "protect" others. Furthermore, the very questions presented to this Court by Mr. Ramos illustrate the applicability of the law discussed previously and, consequently, the reasons this Court should deny certiorari.

Petitioner's First Question asks whether the Chief Judge of the Court of Special Appeals erred in denying Petitioner's Motion to Correct the Record. The Court of Special Appeals held that the record contains the allegedly missing documents. This issue is not appealable under long-held Maryland law and any issue regarding the documents can be asserted after a final judgment in the Court of Special Appeals. Petitioner also frames several sub-set questions regarding the trial court's actions and asks what the proper procedure is to resolve the Motion to Correct the Record. At this stage, these issues are the proper purview for the Court of Special Appeals. They are

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<sup>1</sup> This course of action follows the stream of obscenities, vulgarities and falsehoods found in Petitioner's internet blog in which he assails judges and attorneys. See <https://twitter.com/EricHartleyFrnd>.

neither issues of first impression nor of significant public interest. They do merit review by the Court of Appeals.

Petitioner's Second Question asks whether the trial court erred by not finding Respondent's insufficient process defense fraudulent. This review of the trial court's determination, if appealable at all, is within the purview of the Court of Special Appeals. It also is not an issue of first impression or of significant public interest. As such, this issue does not meet the standard calling for review and determination by the Court of Appeals.

Petitioner's Third Question asks whether the trial court abused its discretion by not disbarring the Respondents and striking their motion to dismiss. Once again, if appealable at all, review of a trial court's actions is the purview of the Court of Special Appeals. This issue also is not one of first impression nor of significant public interest and does not call for review and determination by the Court of Appeals.

Petitioner's Fourth Question asks whether the trial court erred when it dismissed the case finding that the published article contained no falsities. As noted previously, this seeks a review of a trial court's action which is the purview of the Court of Special Appeals. There is no issue of first impression or significant public interest presented by this question.

In light of the Petitioner's failure to narrowly define the issues in his Petition to appealable legal issues of public interest and his failure to pursue his existing appeal before the Court of Special Appeals, Respondents urge this Honorable Court to Deny Certiorari.



### Conclusion

The Petition for Certiorari should be denied for three reasons. First, Petitioner seeks to appeal this case in a piecemeal fashion without pursuing the appellate action in the Court of Special Appeals that he himself initiated. Second, review of a court's decision regarding the record of its case is not proper grounds for appeal. Third, Petitioner, as a matter of right, can appeal the trial court's decision to the Court of Special Appeals for review and determination. He has not exhausted that remedy yet. For these and the reasons stated above, Respondents respectfully ask this Honorable Court to deny the Petition for Certiorari filed in this matter.

Dated: June 1, 2015

Respectfully submitted,

By: 

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**IN THE COURT OF APPEALS OF MARYLAND**

JARROD W. RAMOS

Petitioner,

v.

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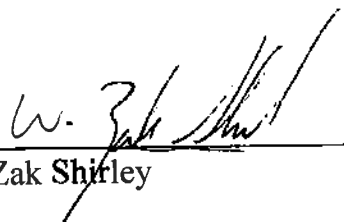
September Term, 2015

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 1st day of June, 2015, a copy of the foregoing Answer of Eric Thomas Hartley, Thomas L. Marquardt And Capital Gazette Communications, LLC in Opposition To Petition For Writ Of Certiorari By Jarrod W. Ramos was sent electronically and via U.S. mail, postage pre-paid, to:

Jarrold W. Ramos  
402 Armstrong Court  
Apartment B  
Laurel, MD 20707

*Petitioner*

  
\_\_\_\_\_  
W. Zak Shirley

Exhibit

A

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

JARROD W. RAMOS,

Plaintiff,

vs.

Civil Action Law 12-22839

ERIC THOMAS HARTLEY, et al

Defendants

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

(Motions Hearing)

Upper Marlboro, Maryland

Friday, March 29, 2013

BEFORE: HONORABLE MAUREEN M. LAMASNEY, Associate Judge

APPEARANCES:

For the Plaintiff:

JARROD W. RAMOS, PRO SE

For Defendants:

ROBERT C. DOUGLAS, ESQUIRE

W. ZAK SHIRLEY, ESQUIRE

DEBBIE WALKER BURRELL, RPR  
Official Court Reporter  
.P.O. Box 401  
Upper Marlboro, Maryland

## P R O C E E D I N G S

1  
2 THE COURT: Docket Number Four, Civil Action  
3 Law, 12-22839, Ramos vs. Hartley.

4 MR. RAMOS: Your Honor, Jarrod W. Ramos,  
5 Plaintiff.

6 THE COURT: Good morning.

7 MR. DOUGLAS: Good morning, Your Honor, I am  
8 Bob Douglas, and this is Zak Shirley. We represent the  
9 defendants.

10 THE COURT: I'm sorry you had to wait so long.

11 MR. DOUGLAS: We represent the defendants to  
12 the newspaper, Capital Gazette and the reporter.

13 THE COURT: And you have filed your motion to  
14 dismiss?

15 MR. DOUGLAS: Yes, Your Honor.

16 THE COURT: Have a seat, sir. You can respond.

17 MR. DOUGLAS: Robert Douglas speaking.

18 This case represents the balancing act that we  
19 have in our society between the role of the press in  
20 communicating and reporting on public activities.

21 And in this case it was a criminal case that  
22 the article was about and is the subject of the  
23 defamation suit, with the rights of a citizen to protect  
24 his or her reputation with defamation.

25 And as Your Honor well knows, that the press

1 doesn't have a blank check to write whatever it wants in  
2 the press. That, in fact, defamation laws have developed  
3 over time to assure that the individual's right of  
4 protecting reputation is held, but the defamation law  
5 does not exist to act as a censor on the press.

6 And what we have here is a situation which I  
7 thoroughly understand, that the plaintiff in this case  
8 thought that the facts presented in the story were  
9 unflattering and he was concerned and upset about the  
10 facts presented in the case.

11 And we commend the plaintiff for the diligence  
12 and the hard work that he's put into his case, but  
13 despite the amount of hard work, he has not filed either  
14 a paper in July or a paper in October which satisfy the  
15 standards to maintain a claim of defamation, much less to  
16 prove a case of defamation in the state.

17 And if you look at it from not just the  
18 specific, but the general perspective, what the  
19 plaintiff is basically trying to do is say that the fact  
20 that the newspaper reported on his criminal case, which  
21 was a misdemeanor case that he pled guilty to and was  
22 convicted of, the fact that the newspaper reported on  
23 that, and reported the unflattering facts, unflattering  
24 facts that were gathered, Your Honor, from I believe it's  
25 at least six sources, which include the court record

1 proceeding, the court records, his attorney, the victim,  
2 of an attempt to talk to him also, and all of the facts  
3 in there have been identified as to where they came from.

4 And as you know, the press does have a  
5 privilege when it comes to judicial proceedings to be  
6 able to report what happens without fear of defamation  
7 being claimed.

8 So, for example, if I was in a court case and  
9 someone accused me of being a murderer, that certainly  
10 could be reported, and the newspaper would be immune to a  
11 defamation charge. However, if this same person did it  
12 outside this courtroom, the person that did it could be  
13 subject to defamation because they are trying to harm my  
14 reputation.

15 If you could turn around and sue because of  
16 unflattering facts that are reported accurately, then  
17 what this would do would act as, in effect, a censor to  
18 the press's coverage of court proceedings, because every  
19 criminal case there's a defendant that doesn't want the  
20 facts that were expressed in the case to be reported  
21 because they are unflattering.

22 And if you could do that, no newspaper would  
23 want to cover a criminal case for fear that they are  
24 opening themselves up to a suit.

25 And if, in fact, you could sue just because the

1 facts accurately reported were unflattering, then the  
2 press not only couldn't cover court cases, but they  
3 wouldn't cover, they wouldn't cover Congress because of  
4 all the unflattering things that go back and forth.

5 So really the crux of this case, when you do  
6 the balancing act between the two is, first of all,  
7 whether the newspaper published facts that were not  
8 substantially accurate.

9 And then second is whether the plaintiff has  
10 established enough facts, because defamation is fact  
11 given. Has the plaintiff established enough facts to  
12 demonstrate, first of all, that the standards of  
13 defamation have been met, and second of all, as part of  
14 that, whether he has been harmed. And we say that he  
15 hasn't met any of the standards.

16 Your Honor, if you want, I'd be glad to walk  
17 through them.

18 THE COURT: All right. Let's hear from  
19 Mr. Ramos.

20 MR. RAMOS: Yes, Your Honor. I would state  
21 that I believe Mr. Douglas has grossly misconstrued my  
22 case.

23 My problem where the column is is not at all  
24 that it reported the fact that I was guilty; it was the  
25 multitude of extraneous, false and defamatory statements



1 that were attached.

2 THE COURT: What were those statements?

3 MR. RAMOS: I will highlight one in particular.  
4 Exhibit G of my complaint I sent a letter to Mr. Hartley  
5 over a year and a half ago where in that case, we don't  
6 even have to look at my complaint to, we can look at  
7 Exhibit G.

8 I outlined a cause of action or defamation. I  
9 focused on one single statement, which the defendants  
10 have even yet to acknowledge in any of their filings.

11 That statement was, that statement was, his  
12 messages rambled saying, Expletive, you, leave me alone,  
13 though she hadn't written him in months.

14 That carries a clear implication that something  
15 is wrong inside my head, that I'm insane. That's what I  
16 have alleged in my complaint.

17 That's an example of a fact that they have yet  
18 to even address, much less refute. Mr. Douglas says that  
19 I don't establish enough facts. I only have to establish  
20 one fact, one defamatory statement.

21 The first element of defamation is not a  
22 defamatory column, it is a defamatory statement and that  
23 right there is a clear example that they have failed to  
24 even address yet.

25 THE COURT: Was it true that you rambled?

1 MR. RAMOS: No. And as I have pleaded in my  
2 complaint, that statement was absolutely false. The  
3 statement did not even occur; the report that I made that  
4 statement was a complete fabrication.

5 THE COURT: And how did you suffer harm from  
6 that?

7 MR. RAMOS: Your Honor, this has become my  
8 life.

9 THE COURT: What has become your life, sir?

10 MR. RAMOS: This action.

11 THE COURT: Okay. But how did you suffer harm?  
12 Assuming what you said is one of the elements is, they  
13 have, you have to prove that it was a defamatory  
14 statement. That the statement was false.

15 MR. RAMOS: Yes.

16 THE COURT: That you -- that the defendant was  
17 legally at fault for making the statement. And lastly,  
18 that you suffered harm from the statements.

19 MR. RAMOS: Yes.

20 THE COURT: I mean, if you, I'm sure were in  
21 the courtroom earlier today, people ramble. I mean to  
22 say that people ramble is not necessarily to defame them.  
23 It is a nature, or sometimes a part of public speaking,  
24 or writing.

25 MR. RAMOS: Your Honor, it's not just the use

1 of the word rambling. To say that he told her,  
2 Expletive, you, leave me alone, though she hasn't written  
3 him in months. That goes beyond rambling. That says I'm  
4 responding to non-existent messages, that I must be  
5 answering the voices in my head.

6 I can show every element. I would like for  
7 them, I can show every element of a defamation just from  
8 that one statement.

9 THE COURT: Tell me how you have been harmed.

10 MR. RAMOS: I say the element of harm, I  
11 actually don't have to show that for the purposes of a  
12 motion to dismiss.

13 Under the law, if I can establish every other  
14 element of a defamation claim, I'm entitled to, at least  
15 nominal damages if I can show by constitution malice, I'm  
16 entitled to presume damages.

17 But again, as I have pleaded in the complaint,  
18 I don't claim any economic damages. There are none, just  
19 the basic emotional distress, depression, and I think the  
20 the reading of it in my complaint is clear.

21 THE COURT: And just so I'm clear, it's because  
22 you feel that people who read that article would infer  
23 that you were responding to messages that had not been  
24 sent, and therefore, there might be some mental  
25 imbalance.

1 MR. RAMOS: It's that. And in addition to a  
2 number of other things, but it's beyond, I don't think  
3 the fact that I was guilty of harassment, it's that any  
4 person who reads that article would have not, to do the  
5 headline Jarrod Wants to be Your Friend, what is  
6 encapsulated within that is in addition to the assertion  
7 that I'm insane, is that I'm dangerous, that I'm  
8 threatening.

9 The column says that I had all of this  
10 information about Miss Sondervan, because I gleaned it  
11 from the internet, and that was false. It portrays me as  
12 some sort of internet predator. And the headline  
13 basically says he's coming for you next.

14 Any person who reads that, I expect, would be  
15 horrified.

16 THE COURT: Well, what was false about it?

17 MR. RAMOS: What was false about it was  
18 essentially everything else is said beyond the fact that  
19 I was guilty of harassment.

20 The way that it established it, that one  
21 statement that I focused on, that's just one. That's  
22 what I consider to be the single most defamatory  
23 statement of the entire column. It places everything  
24 else under its light, I did all of this, because there  
25 are in Exhibit A, the printout of the column, there are

1 people in there calling me a sicko, a predator. That  
2 right there is harm for me to even see that.

3 THE COURT: Alright, Counsel, do you want to be  
4 heard any further?

5 MR. DOUGLAS: Yes, Your Honor. Just one  
6 clarification, the sentence that the plaintiff has  
7 identified as rambling is I guess the fourth or fifth  
8 paragraph in the article from the end.

9 It is actually from the application for  
10 statement of charges, which is part of the legal  
11 proceeding. And it is accurately stating what is  
12 Exhibit C to the October filing of the plaintiff, whereby  
13 it states that it's rambling about the friends, et  
14 cetera, her activities.

15 And then it goes into other things, which I  
16 will not get into, but are in our motion to dismiss, of  
17 what he accused her of doing, et cetera.

18 The information as stated, is from legal  
19 proceedings, the court, the court proceedings, his own  
20 attorney, as well as the victim, and in all cases it has  
21 been established that the reporting was accurate.

22 And in fact, as I am saying, the sentence that  
23 the plaintiff is concerned about comes from the criminal  
24 pages, comes from the application for statement of  
25 charges filed by the woman.

1           And it's not something that the reporter  
2   created and made up. And under the immunity for coverage  
3   of court proceeding, and particularly criminal  
4   proceeding, there's no grounds to claim that that's  
5   defamatory for what people may think for how he reacted  
6   to those facts.

7           Those facts were accurate and properly  
8   communicated to the public by the newspaper. Thank you.

9           MR. RAMOS: Can I expand as well?

10          THE COURT: Go ahead.

11          MR. RAMOS: What Mr. Douglas is doing at this  
12   point he is attempting to prematurely assert the fair  
13   report privilege by saying that the statement was  
14   extracted from a public record.

15          That is true, although it turned out that the  
16   statement was false. He is asserting the failure to  
17   report privilege; for one, as I have stated in my  
18   opposition to their failure to dismiss, that is not  
19   permissible at this point.

20          But more importantly, Mr. Douglas cites the  
21   fair report privilege. The fair report privilege is a  
22   qualified privilege. It is not absolute, and it is  
23   conditional upon tests of both fairness and accuracy.

24          It was an accurate report of that statement  
25   from the record, but that column by definition, was not

1 fair. And I can illustrate that.

2 First, I should say, they admit in their own,  
3 they admit in their own motion to dismiss that the  
4 condition is that the privilege is conditioned upon a  
5 test of fairness, impartiality. It is conditional upon a  
6 test of fairness and impartiality.

7 There has been, I did a discovery request.  
8 There is a blog on the internet. It reads like this:  
9 This was written by a Pamela Wood of the Capital. The  
10 title was For the Record. I write articles, not columns.

11 In the blog she states, for the record, I write  
12 news articles. My articles contain facts. They do  
13 contain opinions, other people's opinions, but not my  
14 opinions.

15 If I'm doing my job well, you shouldn't be able  
16 to tell what I think about the topic, other than I think  
17 it's important for people to know about it. I try to  
18 cover all the angles to a story and let people on  
19 different sides of an issue weigh in.

20 Your Honor, I was never even contacted before  
21 this article was published. I found out about it on my  
22 own. Continuing, Pamela goes on to further state, this  
23 is not meant to bash columns. A well written column  
24 states an opinion, but it is also full of facts. The  
25 best column limits research.

1           There are columns which develops as a reporter  
2     researches their article by attending interviews and  
3     attending meetings and by reviewing documents as do my  
4     colleague Eric Hartley. The first defendant in this case  
5     does a great job of this. But when you read Eric or  
6     other columnists will understand that their aim is to  
7     make a point, and maybe get you to come on board with  
8     their opinion.

9           My aim is to simply share important  
10    information and let you decide what do I think about it.

11           That right there says Mr. Hartley writes  
12    columns that are not fair. In that blog entry  
13    Mr. Hartley himself responded. He placed the comments on  
14    that blog.

15           And Mr. Hartley said, as the columnist Pam  
16    referenced, I got the opposite problem, people thinking I  
17    write straight news article and blasting me for injecting  
18    opinions, that despite the columnist header at the top of  
19    my column online, or the fact that my column is  
20    published in the paper with a logo that includes my  
21    picture, which should be, Pam weighed out the differences  
22    between news articles and columns which, well, Your  
23    Honor, Pam Wood writes news articles as Eric Hartley  
24    writes columns. And right there they discuss the  
25    difference.



1 Columns are not fair. This has come through  
2 via requests for admissions that I submitted to the  
3 defendants. They have admitted that Eric Hartley wrote  
4 those words.

5 They have admitted that his column appeared in  
6 the newspaper, as he said, with a logo that included his  
7 picture. The fair report privilege is not applicable to  
8 that column. The fair report privilege went down the  
9 drain for them.

10 THE COURT: All right. Mr. Ramos, I'm going to  
11 grant the defendant's motion to dismiss this case. And  
12 it will be dismissed with prejudice. And I'm going to  
13 grant it for the following reasons: You are required in  
14 your complaint to state a claim with sufficient  
15 specificity.

16 MR. RAMOS: Your Honor --

17 THE COURT: I'm talking now.

18 MR. RAMOS: Yes, I'm sorry.

19 THE COURT: And dismissal is proper only if the  
20 facts and inferences, even if proven, would not entitle  
21 the plaintiff to relief. And that is what I am finding  
22 in your case, that you do not lay out a prima facie case  
23 for defamation or for invasion of privacy, or being  
24 placed in the false light.

25 And the reason I'm finding that is that there

1 is absolutely not one piece of evidence, or an assertion  
2 by you that the statement was false.

3 The one statement you refer to concerning the  
4 rambling and referring to messages that you answered  
5 when there had been no contact comes directly from the  
6 statement of charges, where she writes, most of his  
7 messages are just pages of ramblings regarding my  
8 friends, family, job, Rotary Club involvement.

9 And it goes on to say that you tell her to  
10 leave you alone, and you haven't responded for months.  
11 That comes right out of a public document.

12 You know, I understand exactly how you feel. I  
13 think people who are the subject of newspaper articles,  
14 whoever they may be, feel that there is a requirement  
15 that they be placed in the best light, or they have an  
16 opportunity to have the story reported to their  
17 satisfaction, or have the opportunity to have how ever  
18 much input they believe is appropriate.

19 But that's simply not true. There is nothing  
20 in those complaints that prove that anything that was  
21 published about you is, in fact, false.

22 It all came from a public record. It was of  
23 the result of a criminal conviction. And it cannot give  
24 rise to a defamation suit.

25 MR. RAMOS: Your Honor, if I may say one more

1 thing?

2 THE COURT: Go ahead.

3 MR. RAMOS: I would add that the public  
4 record from which that statement came from, was not  
5 even identified in the column, there was nothing to lead  
6 a reader to understand where that statement was taken  
7 from.

8 THE COURT: I understand that, but that does  
9 not make it false.

10 MR. RAMOS: But it makes it unfair.

11 THE COURT: I'm sorry, but I am going to  
12 dismiss your suit with prejudice.

13 MR. RAMOS: And Your Honor, that is only one  
14 statement. There are a number of other statements.

15 THE COURT: Well, I just referred to the one  
16 that you referred to, and I think I put on the record  
17 that there is nothing that you have alleged that was  
18 false, so I'm going to grant the motion, sir.

19 MR. RAMOS: If I understand correctly, then the  
20 basis is that there's not a showing of falsity?

21 THE COURT: Correct.

22 MR. RAMOS: And rather that there is an  
23 application of privilege.

24 THE COURT: Correct, both that the article  
25 was simply not defamatory, that it was based on public

1 record, that you haven't alleged that it was false,  
2 and that the article appears to be substantially  
3 accurate, and it would fall into the privilege which  
4 would make any complaint unsustainable, because they  
5 reported a criminal case. They reported a matter of  
6 public interest.

7 I understand it was not reported to your  
8 satisfaction, but you haven't shown any actual malice  
9 that would overcome this privilege.

10 MR. RAMOS: Well, malice is an entirely  
11 separate issue. Under the privilege, the only question  
12 when it comes to fair report privilege is, was the  
13 article fair and accurate. Those are two separate tests,  
14 tests of fairness, by Mr. Hartley's own admission, it  
15 fails.

16 THE COURT: Thank you very much.

17 MR. DOUGLAS: Thank you, Your Honor.

18 THE COURT: Thank you once again, Mr. Ramos.  
19 I'm sorry you had to wait so long.

20 MR. DOUGLAS: I do want to thank you and  
21 Mr. Ramos for understanding the situation with my wife  
22 with a broken ankle.

23 MR. RAMOS: When you say dismissed with  
24 prejudice, that does not obstruct my right to appeal?

25 THE COURT: Oh no, of course not. You have an

1 absolute right to appeal. That just needs to be done  
2 within 30 days.

3 MR. RAMOS: Yes, certainly. Thank you.

4 (Whereupon, the proceedings concluded.)  
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## REPORTER'S CERTIFICATE

I, Debbie Walker Burrell, an Official Court Reporter for the Circuit Court for Prince George's County, Maryland, do hereby certify that I stenographically recorded the proceedings in the matter of Jarrod W. Ramos vs. Eric Thomas Hartley, Civil Action Law 12-22839, on March 29, 2013, before the Honorable Maureen M. Lamasney, Associate Judge.

I further certify that the pages numbers one through nineteen constitute the official transcript of the proceedings as transcribed by me from my stenographic notes to the within typewritten matter in a complete and accurate manner, to the best of my knowledge and belief.

In Witness Whereof, I have affixed my signature this 4th day of April, 2013.

Debbie Walker Burrell, RPR

Debbie Walker Burrell

Official Court Reporter

Exhibit

B

IN THE CIRCUIT COURT  
FOR PRINCE GEORGE'S COUNTY

JARROD W. RAMOS

Plaintiff,

vs.

ERIC T. HARTLEY, *et al.*

Defendants.

Case No.

CAL-12-22839

**ORDER DENYING PLAINTIFF'S MOTION TO AMEND THE JUDGMENT AND  
RELATED MOTIONS AND GRANTING MOTION BY DEFENDANTS TO DISMISS  
WITH PREJUDICE THE COMPLAINT**

Upon consideration of the Motion by Plaintiff to Amend the Judgment and any response thereto, it is this 7 day of December, 2013, by the Circuit Court for Prince George's County hereby

ORDERED, that the Plaintiff's Motion to Amend the Judgment is hereby DENIED; and

ORDERED, that the Plaintiff's Motions for Grievance, Contempt, Sanctions, and Default are hereby DENIED; and

ORDERED that Defendant's Motion to Dismiss the Complaint with Prejudice is GRANTED; and

ORDERED, that the judgment dismissing the Complaint with Prejudice be amended to reflect the following grounds for dismissal:

1. Failure to plead facts sufficient to satisfy any of the legal elements of defamation and false light under Md. Rule 2-303:

(a) defamation;

(b) fault;



~~\_\_\_\_\_~~ (c) harm; and

~~\_\_\_\_\_~~ (d) falsity

~~\_\_\_\_\_~~ 2. Failure to file in July 2012 a sufficient and legal complaint under Md.

Rule 2-303; and

~~\_\_\_\_\_~~ 3. Filing in October 2012 an untimely claim for defamation.

SO ORDERED.

  
\_\_\_\_\_  
Judge Lamasney

Circuit Court for Prince George's County

cc: Robert C. Douglas  
W. Zak Shirley  
DLA Piper US LLP  
The Marbury Building  
6225 Smith Avenue  
Baltimore, MD 21209

Jarrold W. Ramos  
402 Armstrong Court  
Apartment B  
Laurel, MD 20707


  
DOUGLAS M. BISSET  
JUDGE

Exhibit  
C

JARROD W. RAMOS

v.

ERIC THOMAS HARTLEY, et al.

\* In the CIRCUIT COURT  
\* of MARYLAND for  
\* PRINCE GEORGE'S COUNTY

\* Case No. CAL12-22839

**ORDER**

Having considered the Motion to Correct the Record, any response filed, and any evidence and argument presented in open court, it is on this \_\_\_\_\_ day of March 2014, by the Circuit Court for Prince George's County,

ORDERED that the certified copy of court records printed on December 17, 2012 and mailed by the Clerk of this Court to Jarrod W. Ramos on December 21, 2012 shall be filed in the above-captioned action. It is further

ORDERED that the record shall reflect said filing includes the original documents missing from docket item number 008.

\_\_\_\_\_  
Judge of the Circuit Court

TRUE COPY—TEST—  
*mainly MTD*  
CLERK

ENTERED 4.8.14

48<sup>E</sup>

Exhibit

D

JARROD RAMOS,

Appellant,

v.

ERIC HARTLEY, ET AL.,

Appellees.

\* IN THE  
\* COURT OF SPECIAL APPEALS  
\* OF MARYLAND  
\* SEPTEMBER TERM, 2013  
\* NO. 2281  
\* (cc# CAL1222839)

• \* \* \* \* \*

### ORDER

Appellant has filed a Motion to Administratively Correct Record, Motion to Substantively Correct Record and to Stay Filing of Briefs Pending Correction. Appellees have filed a response to both motions. It appears from the record that the papers Appellant requests be added to the record are, in fact, in the record on appeal. Accordingly, it is this 16<sup>th</sup> day of April 2015, by the Court of Special Appeals,

ORDERED that the Motion to Administratively Correct Record and the Motion to Substantively Correct Record be and hereby are denied; and it is further

ORDERED that Appellant's brief shall be filed on or before June 1, 2015; and it is further

ORDERED that Appellees' brief shall be filed on or before August 1, 2015; and it is further

ORDERED that the above-captioned appeal shall be scheduled in the September session of this Court.



(CHIEF JUDGE'S SIGNATURE  
APPEARS ON ORIGINAL ORDER)

\_\_\_\_\_  
Peter B. Krauser, Chief Judge